RK

Paper No. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARK E. VALENTI

Appeal No. 2005-0991
Application No. 09/613,387

ON BRIEF

Before: DIXON, MACDONALD, and NAPPI, **Administrative Patent Judges**.

NAPPI, **Administrative Patent Judge**.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 of the final rejection of claims 1 through 17, which constitute all the claims in the application. For the reasons stated *infra* we reverse the examiner's rejections of these claims.

Invention

The invention relates to a method of efficiently searching for information on the World Wide Web without the need to update a centralized database.

This method allows multiple web site computers to be searched for information at their own website. See page 4 of appellant's specification.

Claim 1 is representative of the invention and reproduced below:

> 1. A method of instantaneously searching a network of interconnected computers and servers comprising:
>
> a plurality of information servers connected to a network and categorizing general content stored on themselves;
>
> collecting and storing the categorization and network addresses of the information servers on at least one IBSP server;
>
> transmitting the categorization and network address of the plurality of information servers from an IBSP server to broadcast server nodes, over the network;
>
> accepting a query on a user node connected to the network;
>
> transmitting the query from the user node directly to a broadcast server over the network;
>
> the broadcast servers receiving and transmitting the user node query to the plurality of information servers;
>
> the information servers instantaneously searching themselves for specific content responsive to the user node query; and
>
> each of the plurality of information servers transmitting a response to the user node query to the user node when responsive content is found.

References

The references relied upon by the examiner are:

Baker et al. (Baker)	5,696,898	December 9, 1997
Frauenhofer et al. (Frauenhofer)	6,236,991	May 22, 2001 (filed Nov. 26, 1997)
Hirai	6,324,577	November 27, 2001 (filed Oct. 14, 1998)

Rejections at Issue

Claims 1 through 3, 5, 6, 8 through 17 stand rejected under 35 U.S.C. § 103 as being obvious over Frauenhofer in view of Hirai. Claims 4 and 7 stand rejected under 35 U.S.C. § 103 as being obvious over Frauenhofer in view of Hirai and Baker. Throughout the opinion we make reference to the briefs and the answer for the respective details thereof.

Opinion

We have carefully considered the subject matter on appeal, the rejections advanced by the examiner and the evidence of anticipation and obviousness relied upon by the examiner as support for the rejections. We have, likewise, reviewed and taken into consideration, in reaching our decision, the appellant's arguments set forth in the briefs along with the examiner's rationale in support of the rejections and arguments in rebuttal set forth in the examiner's answer.

With full consideration being given to the subject matter on appeal, the examiner's rejections and the arguments of appellant and examiner, for the reasons stated *infra* we will not sustain the examiner's rejections of claims 1 through 17 under 35 U.S.C. § 103.

We first consider the claims 1 through 3, 5, 6, 8 through 17 under 35 U.S.C. § 103 as being obvious over Frauenhofer in view of Hirai. Appellant argues, on page 19 of the brief, that Frauenhofer teach a centralized aggregation of contents

from data sources and as such does not teach the limitations, in claim 1, of a broadcast server receiving and transmitting the user node query to the plurality of information servers, the information servers instantaneously searching themselves for specific content responsive to the user node query, and each of the plurality of information servers transmitting a response to the user node query to the user node when responsive content is found. Similarly, appellant asserts that Hirai does not teach these limitations.

We concur with the appellant. We find the scope of independent claim 1 includes a broadcast server, which receives a categorization data from a server and a query from a user, the broadcast server transmits the user's query to the information servers, which perform a search and transmits content responsive to the query, to the users. Independent claims 6, 8 and 13 include similar limitations, which are commensurate in scope. Independent claim 5 is of different scope, in that it does not include limitations directed to a broadcast server. However, claim 5 includes limitations directed to the information servers performing a search for content responsive to the user's query and returning a reply.

We find that Frauenhofer teaches a system, which allows a user to generate a complex query, a user profile, which is stored on a customer intranet server (item 14). See column 3, lines 3-14. The information is provided either from internal sources (item 15) or external content providers (item 12). Information is characterized and provided to the customer intranet server either passively or actively by a crawler, which performs a search, such as a word search, of the data

on the provider. See column 3, lines 22-30. The documents from these sources are provided to the customer intranet server, which then matches the documents with the user's queries and sends them to the users. See column 4, lines 45-52. Thus, we find that Frauenhofer teaches that the customer intranet server receives a query from the user and the information from the information providers and determines the proper match. We do not find that Frauenhofer teaches or suggests that the query is provided to the information providers and that the information providers respond to the user as is claimed in the independent claims.

The examiner has not asserted, nor do we find that Hirai teaches or suggests modifying Frauenhofer such that a query is provided to the information providers and that the information providers respond to the user as is claimed in the independent claims.

As we find that the combination of the references applied by the examiner in the rejection of claims 1 through 3, 5, 6, 8 through 17 under 35 U.S.C. § 103 do not teach all of the limitations of independent claims 1, 5, 6, 8 and 13, we will not sustain the examiner's rejection of these claims.

We next consider the examiner's rejection of claims 4 and 7 under 35 U.S.C. § 103 as being obvious over Frauenhofer in view of Hirai and Baker. Claim 4 is dependent upon claim 1 and includes the limitations discussed above. Independent claim 7 includes limitations directed to an information server performing a search for content responsive to the user's query and returning a reply. As discussed above, we do not find that the combination of Frauenhofer and Hirai teach these limitations.

The examiner has not asserted, nor do we find that Baker teaches or suggests modifying Frauenhofer to include these limitations. According, we will not sustain the examiner's rejection of theses claims for the reasons discussed *supra* with respect to independent claims 1, 5, 6, 8 and 13.

In summary, we will not sustain the examiner's rejections of claims 1 through 17 under 35 U.S.C. § 103.

REVERSED

JOSEPH L. DIXON)
Administrative Patent Judge)
)
)
)
)
ALLEN R. MACDONALD) BOARD OF PATENT
Administrative Patent Judge) APPEALS AND
) INTERFERENCES
)
)
)
ROBERT E. NAPPI)
Administrative Patent Judge)

RN/RWK

CHRISTOPHER B. KILNER ESQ.
ROBERTS ABOKHAIR & MARDULA LLC
11800 SUNRISE VALLEY DRIVE SUITE 1000
RESTON, VA 20191-5302